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Agenda item 11 (b)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Letter dated 7 February 1990 from the Deputy Chief State Commissioner of Zaire addressed to the Under-Secretary-General for Human Rights

I have the honour to transmit to you the report of the Executive Council of the Republic of Zaire on the human rights situation in Zaire covering the period from 24 February 1989 to the opening of the forty-sixth session of the Commission on Human Rights, in accordance with the Commission's confidential decision of 24 February 1989.

I would be obliged if you would circulate this report as an official document of the Commission under item 11 (b) of the agenda for its forty-sixth session.

(Signed) Maître NIMY MAYIDIKA NGIMBI
Deputy Chief State Commissioner
Member of the MPR Central Committee

Note: The main body of the report submitted by Zaire is reproduced as an annex to the present document. The six annexes to that report may be consulted at the secretariat of the Commission on Human Rights.

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Annex

REPORT OF THE EXECUTIVE COUNCIL OF THE REPUBLIC OF ZAIRE COVERING THE PERIOD FROM 24 FEBRUARY 1989 TO THE FORTY-SIXTH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

INTRODUCTION

SCOPE OF THE REPORT

The United Nations Commission on Human Rights, in a confidential decision adopted on 24 February 1989, decided to discontinue consideration of the question of Zaire.

However, in the same decision, the Commission requested the Government of Zaire "to inform the Commission, at its forty-sixth session, of the results of the action already taken to this end at a special closed meeting".

Furthermore, at the Commission's forty-fifth session, the delegation of Zaire, led by Maître Nimy Mayidika Ngimbi, formally promised members of the Commission that the Executive Council of the Republic of Zaire would submit a report giving a detailed account of all action to protect and promote human rights that would be initiated or undertaken by Zaire between 24 February 1989 and the forty-sixth session of the Commission on Human Rights.

The promised report is submitted herewith.

It consists of four separate parts, each subdivided into chapters, which are in turn subdivided into sections.

PART I

ACTION TO PROTECT THE RIGHTS AND FREEDOMS OF THE CITIZEN UNDERTAKEN BETWEEN 24 FEBRUARY 1989 AND 24 FEBRUARY 1990

Where activities to protect the rights and freedoms of the citizen are concerned, our report gives an account of four types of action initiated or pursued by the Department of Rights and Freedoms of the Citizen (Département des Droits et Libertés du Citoyen - DDLC) during the period extending roughly from 24 February 1989 to 24 February 1990.

The four types of action considered are dealt with in the four chapters below.

CHAPTER I

CONSIDERATION OF PETITIONS

A distinction should properly be drawn from the outset between two categories of complaints or petitions that the DDLC has had to deal with. On the one hand, there are complaints of an internal nature and, on the other hand, complaints that are external in origin, in that they reach the

Department via international organizations, either governmental - principally the United Nations through its Commission on Human Rights, which is based in Geneva, Switzerland - or non-governmental, the chief one being Amnesty International.

SECTION I

INTERNAL COMPLAINTS AND APPEALS

One of the main, not to say most time-consuming, activities of the DDLC is of course the consideration of complaints and appeals submitted to it by citizens who consider that their rights or freedoms have been infringed. Such complaints and appeals have been dealt with, following the established procedures, either by the Department's regional and local offices or by its central office.

A. PETITIONS CONSIDERED BY THE CENTRAL OFFICE OF THE DDLC

Table 1

Nature of decision	1987	1988	1989
1. Preparatory decisions	73	314	168
2. Referral decisions	41	157	824
3. Protective decisions	1	-	-
4. "Intervention" decisions	(780) 1/	-	(24) 2/
5. Substantive decisions	8	33	53
TOTAL	123	504	1,069

1/ Interventions made by the Department's 26 regional and local offices.

2/ Interventions made by the Department's Central Office.

B. PETITIONS RECEIVED AND CONSIDERED BY THE DDLC'S CENTRAL OFFICE AND ITS REGIONAL AND LOCAL OFFICES

It being understood that the regional and local offices, i.e. the 58 branch offices of the DDLC, have not so far been authorized to take substantive decisions - decisions which are usually taken by order of the State Commissioner for Rights and Freedoms of the Citizen - the total number of petitions received by the Department, including its branch offices, was 5,327 for the period 1 July 1987-31 December 1989.

Of course, this figure covers only petitions that have been formally registered and not verbal petitions that could be said to have been settled immediately, an amicable arrangement often being reached through the good offices of one of the Department's Chief Delegates.

SECTION II

PETITIONS FROM EXTERNAL SOURCES

Some petitions from external sources are in the form of communications that have been formally registered by the United Nations Commission on Human Rights, and have been forwarded to the DDLC through the Commission. Other complaints or petitions from external sources considered or received by the Department come from Amnesty International, either from its head office or from one of its branches throughout the world, or again from ordinary individuals, either Zairian nationals or foreigners.

There follows a listing of the most recent of these petitions, it being understood that the Executive Council of Zaire has already given an account of petitions submitted to the DDLC in the course of the years 1983-1986 in earlier reports to the United Nations.

Here we should like to draw particular attention to the Executive Council's report on the subject of enforced or involuntary disappearances, forwarded to the Under-Secretary-General for Human Rights in Geneva by DDLC letter reference No. 4676/CAB/DLC/CE/CRI/MNT/89, dated 27 November 1989.

It should also be noted, that while the petitions or communications may be recent, the cases to which they relate are quite often old ones in which the persons involved have since recovered their rights or freedoms.

A. CASES SETTLED

1976-1986

1. EKE AKANGA NKOY
2. KAYEMBE MUKAMBA
3. MUKANDILA MPANYA
4. LUSANGA NGIELE
5. BIRINDWA-ci-BIRHASHIRA
6. NGWASHI CHOLA
7. MUTOMBO YAKINDA
8. KOUBWE SHIBWA SALWA
9. MPINDU MBWABWA
10. NGALA SUNGULA
11. KABEYA LUBILANJI
12. NGALULA MPANDANDJILA
13. KIBASA MALIBA
14. MUTOMBO MUKALE
15. MUKENDI
16. LUMBU MALOBA NDIBA
17. BOSASI KODIA

November 1986 - 24 February 1989

1. TSHISEKEDI WA MULUMBA
2. BIJANU MUTUNDA
3. KYUNGU wa KUMWANZA
4. KYUNGU MUKANGE
5. KADIMA NKASHAMA
6. KANANA TSHIONGO
7. KAKONGE (ex - ROGER)
8. MANGALA
9. Dr. NDIADIA
10. DIA OKEN
11. KABEYA KASUKU
12. KADIMA MUTUNTU
13. SITA SOMI
14. SITA KENGELE
15. TSHIBANGU KALALA
16. NKENGELE wa KAWILA

READEX FICHE

24 February 1989 - November 1989

1. BELANGANAYI NTAMBWE
2. KATSHIUNGA MENYE
3. NZEMBELE KANKOLONGO
4. OMENE SAMBA
5. KALOLO NKIMA
6. MANGA NGOLU NDUKI

B. CASES UNDER INVESTIGATION

1. TOSOMBA OWALE
2. EKESOMBO
3. EHADI SHIMBA
4. LOKANU EKANGA
5. NJINJI
6. MBUMBA LUTALE
7. KABEYA KASUKU

It should once again be stressed that the chief difficulty as regards the latter cases consists in the fact that communications sent to the Executive Council by the United Nations Commission on Human Rights, and even by Amnesty International, do not indicate the identity of the persons concerned, still less their addresses. Accordingly, the Department would like the international organizations which are dealing with these cases to give more details with regard to the identity of the persons involved.

CHAPTER II

MEETINGS OF THE COMMITTEE ON COMPLIANCE WITH THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND THE NATIONAL ANTI-APARTHEID COMMITTEE

The Executive Council of the Republic of Zaire has set up two committees with a specific mandate to deal with two human rights issues, namely, compliance with the International Covenants on Human Rights and combating the evil of apartheid in South Africa.

Sections I and II of this chapter deal with these two committees.

SECTION I

COMMITTEE ON COMPLIANCE WITH THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (COSPI)

There exists within the DDLC a Committee on Compliance with the International Covenants on Human Rights, set up by decision of 1 July 1987.

The Committee held four meetings between February and December 1989.

A. Meeting of 11 February 1989

There were four items on the agenda:

1. Approval of the minutes of the meeting of 22 October 1988
2. Accounts for the year 1988

3. Activities of COSPI for the year 1989

4. Discussion of letter No. G/SO 237/2 (2) from the United Nations Secretary-General concerning the submission of periodic reports.

B. Meeting of 27 June 1989

There were three items on the agenda:

1. The problem of apartheid

2. The "new international humanitarian order" and "promotion of international co-operation in the humanitarian field"

3. Adoption of the work programme for the year 1989

C. Extraordinary meeting of 24 October 1989

At the request of the Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen, the Committee on Compliance with the International Covenants on Human Rights met to give its views on the letter from the Regional Representative of the High Commissioner for Refugees, requesting it either to confirm or deny the report that it had offered to receive 900 refugees based in Rwanda.

D. Meeting of 23 December 1989

On the agenda:

1. Submission of reports by representatives:

   (a) of the Department of Public Health

   (b) of the Department of Higher Education, Universities and Scientific Research

   (c) of the National Association of Zairian Enterprises (ANEZA) on wages policy in Zaire

2. Representation of Zaire in certain agencies of the United Nations system

SECTION II

THE NATIONAL ANTI-APARTHEID COMMITTEE (CNLAA)

Under decree No. 89-006 of 7 January 1989, a National Anti-Apartheid Committee (CNLAA) was set up (see annex 6).

In 1989, CNLAA held two meetings.

A. Meeting of 23/24 February 1989

The aim of this meeting was to make arrangements for welcoming the Anglican Bishop Desmond Tutu to Zaire.

B. Meeting of 8 June 1989

The aim of this meeting was to prepare the International Day of Solidarity with the struggling people of South Africa.

CHAPTER III

INSPECTION OF PLACES OF DETENTION AND REGIONAL OFFICES OF THE DDLC

In Zaire, there is a significant saying, according to which "Kinshasa the capital is not Zaire". With that in mind, the DDLC as part of its activities to protect human rights, has redoubled its efforts to protect human rights, in a sense of speaking redoubled its efforts to ensure respect for human rights, both in the capital Kinshasa, whose population now numbers some 3.5 million, and in the provinces, which represent virtually a sub-continent, and in which the Department's offices must be equally effective.

Hence the two types of inspection described below: that carried out by the regional and local offices, and the inspection of places of detention in the capital, pending adequate resources to begin inspection, as from this year, of places of detention situated in the provinces.

SECTION I

INSPECTION BY THE REGIONAL OFFICES OF THE DDLC

The Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen carried out several tours of inspection in the regions:

(a) Upper Zaire region: 5 - 7 October 1989;

(b) West Kasai region: 12 October 1989;

(c) East Kasai region: 13 - 14 October 1989;

(d) North Kivu region: 19 October 1989;

(e) South Kivu region: 20 October 1989;

(f) Maniema region: 21 October 1989;

(g) Shaba region: 28 - 31 January 1990.

In each of these regions, the Deputy Chief State Commissioner addressed the regional (provincial) and local authorities, as well as representatives of the various law enforcement and security agencies.

SECTION II

INSPECTION OF PLACES OF DETENTION

On 7, 8 and 9 June 1989, the Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen visited lock-ups (cachots et amigos) in Kinshasa in order to verify that the legal procedure regarding detention was observed, and to monitor periods of detention, the physical treatment of detainees and the grounds for their arrest.

A. Inspection of 7 and 8 June 1989

On 7 June 1989, the Deputy Chief State Commissioner visited:

The two lock-ups of the Civil Guard;

The lock-ups of the Gendarmerie Nationale: B2 and Circo.

On 8 June 1989, he inspected:

The lock-up of the National Immigration Agency (ANI);

The Kalamu zone lock-up;

The Mabanga lock-up (Kalamu zone);

The Limete zone lock-up;

The Matete zone lock-up.

B. Inspection of 9 June 1989

On 9 June 1989, the Deputy Chief State Commissioner visited:

The Masina zone lock-up;

The Kingabwa lock-up;

The N'djili zone lock-up;

The Kimbanseke zone lock-up.

It should be stressed that during these visits, the State Commissioner for Rights and Freedoms of the Citizen released persons detained unlawfully.

Furthermore, the visits by delegations from both international governmental and other bodies, from friendly countries, or by independent foreign figures to Zaire to acquaint themselves with developments in and respect for human rights in general or of a particular aspect thereof appear simultaneously to fall within the sphere of human rights protection and promotion, as the DDLC has been in existence since 1986.

The Executive Council of the Republic of Zaire also wishes to draw attention to these visits, which have generally provided an opportunity for fruitful working sessions involving the delegations and the various Zairian authorities directly concerned by human rights issues.

SECTION III

VISITS TO ZAIRE BY FOREIGN DELEGATIONS

A large number of delegations from international bodies and foreign public figures have visited Zaire to observe the DDLC in operation and to monitor the human rights situation in Zaire in general.

A. Visit by Mrs. Cheri K. Sprigg

Mrs. Cheri K. Sprigg, a Senior officer in the United States State Department, visited Zaire from 5 to 12 August 1989 to see how the DDLC operates. Her visit included a trip to the country's interior, more precisely the Shaba region (Shaba Province), where she visited DDLC offices in the towns of Lumumbashi and Likasi.

She was accompanied throughout by a senior DDLC official, Mr. Lamba Katansi.

B. Visit by a delegation from Amnesty International

A delegation from Amnesty International, composed of Mr. Bacre Wali Ndiaye, Michael Dottridge and G. Byaruhanga, visited Zaire from 5 to 11 November 1989.

It held working meetings with a number of Zairian authorities including:

1. The President of the Judicial Council;
2. The Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen;
3. The Secretary of State (Deputy Minister) for National Defence;
4. The State Commissioner (Minister) for Territorial Security and Ex-Servicemen;
5. The Chief of the General Staff of the Gendarmerie;
6. The Special Adviser to the Chief of State on security matters.

In addition, the delegation from Amnesty International made a private visit to Mr. Tshisekedi wa Mulumba.

Finally, the delegation held a press conference at the Press Council.

On that occasion, it distributed forms for those wishing to subscribe to the Amnesty International ideal and to establish Amnesty International groups in Zaire.

C. Visit by United States lawyers

Two United States lawyers, Makau wa Mutua and Peter Rosenblum, members of the Lawyers Committee for Human Rights, also visited Zaire between 25 August and 1 September 1989 to evaluate respect for human rights in Zaire.

They met officers of the Judicial Council, the DDLC and the law and enforcement and security agencies.

D. Visit by the Boston Ecumenical Delegation (USA)

A further United States delegation, led by Pastor Larry Edmands, visited Zaire from 8 to 13 December 1989 to inquire into the operation of the judicial system and relations between the judicial system and the law enforcement and security agencies.

In particular, the delegation met:

The Special Adviser to the Head of State;

The Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen;

The President of the Judicial Council;

The President and founder of MPR, the President of the Republic.

E. Visit by black United States mayors

A delegation of black United States mayors including Mr. David N. Johnson and Mr. Samuel T. Meghee visited Zaire at the invitation of the Governor of Kinshasa.

On that occasion, the DDLC, in the person of the Counsellor-Director for International Legal Affairs (Conseiller Directeur du Contentieux des Relations Internationales), Mr. Lwamba Katansi, explained the operation of the Department, its activities and the results already achieved.

F. Visit by United States Congressmen and businessmen

(Robert Torreceli)

A group of four United States Congressmen and businessmen also visited Zaire from 10 to 14 January 1990 to observe the human rights situation.

It was received by the President-Founder of MPR and President of the Republic, and by the Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen, before making a visit to the country's interior.

G. Visit by the Special Rapporteur on torture

The Special Rapporteur on torture, Mr. Kooijmans, visited Zaire from 15 to 20 January 1990 to make contact with the Zairian Government, from which he had requested information on legislative and administrative measures adopted to prevent torture.

Together with three other persons, the Special Rapporteur was received by:

The Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen;

The President of the Judicial Council;

The President of the National Bar Association;

The State Commissioner for Territorial Security;

The Secretary of State for National Defence;

The President-General of the Civil Guard;

The Administrator of the National Documentation Agency (Agence nationale de documentation - AND);

The Chief of the General Staff of the Department for Military Action and Intelligence (Service d'action et de renseignement militaires - SARM).

They visited a number of detention centres and some offices of the DDLC.

During their visit they were escorted by Mr. Lwamba Katansi, Counsellor-Director for International Legal Affairs in the DDLC.

PART II

ACTION TO PROMOTE THE RIGHTS AND FREEDOMS OF THE CITIZEN UNDERTAKEN BETWEEN 24 FEBRUARY 1989 AND 24 FEBRUARY 1990

In addition to the measures described in part I of this report, designed to ensure protection of rights and freedoms in Zaire, the Executive Council, i.e. the Government of Zaire, simultaneously undertook the activities to promote rights and freedoms described in part II of this report.

CHAPTER I

POPULARIZATION OF THE CITIZEN'S VADE-MECUM AND EXPLANATORY TALKS ON THE ROLE OF THE DDLC

As the heading indicates, this chapter describes two types of activity carried out in the field and designed to promote human rights in Zaire.

SECTION I

POPULARIZATION OF THE CITIZEN'S VADE-MECUM

In order better to defend rights and to assert them, it is necessary to be familiar with them. Accordingly, the DDLC has published the Citizen's Vade-mecum comprising 200 questions and answers on the following topics:

The organization of the judicial system in Zaire;

The rights and freedoms of citizens vis-à-vis the law enforcement and security agencies;

The rights and freedoms of citizens under penal procedure;

The rights and freedoms of citizens under civil procedure.

The Vade-mecum is the subject of radio broadcasts from Monday to Friday, in French and in four national languages.

It is also disseminated by DDLC delegates at meeting places in the zones, i.e. in the communes.

SECTION II

TALKS TO EXPLAIN HUMAN RIGHTS

A. Talk by the Commissioner in Brussels

The Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen was invited to visit Brussels between 15 and 17 November 1989 to give a talk on human rights in Zaire.

He was accompanied by Mr. Nyabirungu mwene Songa, one of his Cabinet advisers. The text of his talk is provided in annex 1.

B. Talk by the State Commissioner at the University of Kinshasa

See chapter II, section III.

CHAPTER II

HUMAN RIGHTS TRAINING SEMINARS

The DDLC has organized two seminars as part of its role in promoting human rights.

SECTION I

SEMINAR ON INCORPORATING THE CONCEPTS OF THE RIGHTS, FREEDOMS AND DUTIES OF THE CITIZEN INTO THE ZAIRIAN EDUCATION SYSTEM AT THE SECONDARY LEVEL

In co-operation with the Department of Primary and Secondary Education, the DDLC held a seminar from 11 to 18 November 1989 on incorporating the concepts of the rights, freedoms and duties of the citizen into the Zairian educational system at the secondary level.

The Seminar's recommendations are contained in annex 2.

SECTION II

REFRESHER SEMINAR ON PROFESSIONAL ETHICS FOR OFFICERS OF THE POLICE AND SECURITY AGENCIES OF THE CITY OF KINSHASA

In view of the abuses detected during visits to places of detention, the Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen decided to organize a seminar for police officers to remind them of the legal procedures for the detention and physical treatment of detainees.

The statements delivered at the seminar are reproduced in the documents contained in annex 3.

The seminar was held from 10 to 14 December 1989. The DDLC chose the date of 10 December for the opening of the seminar as a way of celebrating the forty-first anniversary of the Universal Declaration of Human Rights.

SECTION III

HUMAN RIGHTS SEMINAR ORGANIZED BY CRIDHAC

The Centre for Interdisciplinary Human Rights Research in Central Africa (CRIDHAC), a subsidiary organ of the Faculty of Law of the University of Kinshasa, organized a human rights seminar at the University of Kinshasa from 9 to 15 December 1989.

Various leading figures came to the podium to speak about human rights: the Deputy Chief State Commissioner and State Commissioner for Rights and Freedoms of the Citizen, the President of the Judicial Council and numerous professors.

On that occasion, the Deputy Chief State Commissioner took the decision to provide financial and material assistance to CRIDHAC in fulfilling its mission to promote and protect human rights.

PART III

STRENGTHENING OF THE POWERS OF THE DDLC AND OF RESPECT FOR HUMAN RIGHTS

In the period under consideration, from 24 February 1989 up to the forty-sixth session of the Commission, Zaire adopted a number of laws having a close bearing on the strengthening respect for citizens' rights in the country.

In the first place, laws were enacted to strengthen the powers of the DDLC. Other texts were aimed at protecting moral standards, in particular as regards artistic activities and public order.

CHAPTER I

LAWS AIMED AT STRENGTHENING THE POWERS OF THE DDLC

Two important laws were adopted during 1989 with a view to strengthening the Department's work in the field:

SECTION I

LEGISLATIVE ORDINANCE NO. 89-049 BIS OF 23 SEPTEMBER 1989 AMENDING AND SUPPLEMENTING THE DECREE OF 6 AUGUST 1959 ESTABLISHING THE CODE OF PENAL PROCEDURE

This law authorizes the Department to bring legal proceedings against any civil servant in general and police officers in particular who are convicted of torture (see annex 4).

SECTION II

LEGISLATIVE ORDINANCE No. 89-050 BIS OF 23 SEPTEMBER 1989 AMENDING AND SUPPLEMENTING LEGISLATIVE ORDINANCE No. 82-017 OF 31 MARCH 1982 RELATING TO PROCEDURE BEFORE THE SUPREME COURT OF JUSTICE

This second law, in accordance with the concept that the Department represents the final recourse, stipulates that Department decisions are final and not subject to appeal (see annex 5).

CHAPTER II

LAWS AIMED AT PROTECTING CERTAIN HUMAN RIGHTS

SECTION I

PROTECTION OF MORAL STANDARDS

Order No. 89-091 of 12 May 1989 establishing a National Commission for Censorship of Songs and Entertainment (see annex 6).

SECTION II

THE STRUGGLE AGAINST RACISM IN SOUTH AFRICA

See above, part I, chapter II, section II.

PART IV

RESULTS OBTAINED AND DIFFICULTIES ENCOUNTERED

Quite obviously, the encouraging results obtained by the Executive Council in the area of human rights, especially since the establishment of the DDLC in 1986, are directly proportional to the means available, i.e. the difficulties encountered in the field are due to the lack of material resources.

CHAPTER I

ENCOURAGING RESULTS

The main institution for protecting human rights has been and continues to be the system of justice, i.e. the Judicial Council, which is defined as the entire system of courts and tribunals in Zaire, whether civil or military.

Thus a proper overall evaluation of the human rights situation in Zaire should be approached from the dual perspective of the Judicial Council and the DDLC.

However, there are two kinds of obstacles standing in the way of such an overall evaluation; they will be discussed as briefly as possible before we indicate the encouraging results achieved by the DDLC.

SECTION I

CRITERIA FOR EVALUATING THE PROGRESS ACHIEVED

In the first place, it should be pointed out that it is difficult to make a precise evaluation of the progress made in the area of human rights at the Judicial Council level owing to the fragmentary nature of the statistics currently available. What can be said with certainty is that since 1980 many reforms have been made at the Judicial Council level, in particular the establishment of cantonal courts (tribunaux de paix), whose essential feature is that they are as close as possible to litigants; the adoption of the Family Code, which has improved the situation of women in many respects; and the supervision of both civil and military courts by the President of the Judicial Council.

Secondly, with regard to the results obtained through the DDLC, the nature of the procedural rules in force in this Department makes such results difficult to evaluate.

The basic philosophy is that the DDLC is the final recourse, and therefore it is not a replacement for the courts and tribunals, which continue and must continue to play their traditional role in protecting citizens' rights.

And for this to be done, according to the procedural rules in force in the DDLC, someone who believes that his rights have been violated cannot apply to the Department unless he has already exhausted the usual legal remedies, namely the courts and tribunals, the public administration, etc.

The DDLC can therefore take four types of decisions as follows:

1. Preparatory decisions;

2. Referral decision;

3. "Interventions"; and

4. Substantive or final decisions.

It goes without saying that, as far as the first two categories of "decisions" are concerned, all that the Department actually does is to advise and assist persons who approach it, by referring them, for example, to the competent court or competent administrative service, since it is premature for them to apply to the Department.

Consequently, it is rather difficult to evaluate the effectiveness of the preparatory decisions and the referral decisions, because people who have received advice or other forms of assistance from the DDLC are hardly likely to come back to report on the final decision taken by the relevant department regarding their complaint.

While it is difficult for the DDLC to establish any statistics on the impact or usefulness of its action as regards preparatory or referral decisions, it is easy to assess the impact of "interventions" and substantive decisions, as explained in the following section.

SECTION II

INTERVENTIONS AND SUBSTANTIVE DECISIONS

The Executive Council wishes special attention to be paid to this section because the actions being discussed here include the cases of persons whose situations have caused or are still causing concern to international organizations responsible for human rights matters. The cases in question have been satisfactorily settled by the DDLC or the latter has been instrumental in resolving them without having recourse to the rules of procedure governing submissions to it. The substantive decisions will first be presented and then an account given of the "interventions".

A. Substantive decisions

As has already been stated, substantive decisions are final decisions taken by the DDLC after being formally seized of a matter in accordance with its rules of procedure; they generally go in favour of the petitioner or complainant.

These are grouped by year since the establishment of the Department and are compared with the total number of petitions reviewed by the Department each year.

Table 2

Substantive decisions/ petitions reviewed	1987 (1 July)	1988	1989
1. Substantive decisions	8	33	53
2. Petitions reviewed	123	504	901

The table above shows that between 1 July 1987, when the DDLC began to function, and 31 December 1989, of 1,696 petitions reviewed, the Department handed down 94 decisions, calling for final and complete restoration of the petitioner's rights.

It should also be noted that many other complainants' rights were restored to them during the period under review through conciliation committees set up by the Department, that operate as a link between it and a number of public departments, such as the Judicial Council, the Civil Service, etc.

However, statistics on the results of petitions submitted to the conciliation procedure cannot be kept because of the variety of internal mechanisms within the units involved through which petitioners' rights have been restored to them.

CHAPTER II

DIFFICULTIES ENCOUNTERED

The large number of activities described above would imply the deployment of a variety of means, but these are in fact limited. Consequently, the difficulties encountered by the DDLC during the first three years of its existence have been, in a nutshell: insufficient material means available.

SECTION I

INADEQUATE MEANS OF COMMUNICATION

The large-scale activities that the DDLC has conducted in the three years from 1987 to 1989 have met with formidable difficulties, above all inadequate means of communication, especially transportation for its representatives in both the capital, Kinshasa, and the provinces.

A. Transportation requirements

In order to deal with this major obstacle, namely the shortage of vehicles, the DDLC has had to request bilateral co-operation, specifically 50 jeeps from the Government of the United States. The United States has not replied to this request for assistance by the Executive Council of Zaire.

B. Telecommunications requirements

The DDLC has also requested bilateral co-operation to obtain radios to keep the central administration of the department constantly in touch with its offices throughout the country. Zaire, it should be recalled, has an area of 2,342,000 sq km, making it four times the size of France, 67 times the size of Switzerland and 80 times the size of Belgium.

Like the first request for some 50 jeeps - even second-hand - this request for radios has remained a dead letter.

However, thanks to co-operation with the Federal Republic of Germany, the gift of a management computer was received and has enabled the Department to process some data quickly.

SECTION II

LACK OF TRAINING MATERIAL AND INFORMATION ON HUMAN RIGHTS FOR CITIZENS

The efforts being made by the DDLC to promote human rights in Zaire have been sufficiently highlighted in parts I and II of this report.

In this connection, the Department has published a limited number of copies of the Citizen's Vade-mecum, which is so useful in teaching citizens about human rights that at least 20 million copies are needed.

The DDLC has requested multilateral assistance in this endeavour from the United Nations Centre for Human Rights at Geneva and is still awaiting a reply!

The DDLC is also working on the "Handbook of Citizens' Rights, Freedoms and Duties", and funds are required to publish about 20 million copies. It would be a good idea if those who defend human rights, both States and international organizations, would assist the Executive Council in its efforts to promote human rights in Zaire.

It would indeed be unfortunate if, at a time when walls are crumbling elsewhere, a wailing wall for human rights were to be erected in Zaire. The country wants to be judged by its performance in carrying out large-scale activities with the resources of a developing country.

This report is, furthermore, to be read bearing in mind the specific reports submitted by the Executive Council to the United Nations at the end of 1989, which are the subject of section III below.

SECTION III

SPECIAL REPORTS

The Executive Council, in its letter No. 4676/CAB/DLC/CE/CRI/MNT/89 addressed to the United Nations Under-Secretary-General, has submitted reports on the following subjects:

(a) Enforced or involuntary disappearances;

(b) The right to adequate food;

(c) The external debt and the structural adjustment policy.

These reports also bring out the efforts being made by the Executive Council despite the limited means at its disposal.

CONCLUSION

This report clearly shows the efforts made by the Executive Council of the Republic of Zaire with regard to the protection and, in particular, the promotion of human rights since the important decision of the United Nations Commission on Human Rights on 24 February 1989 to discontinue consideration of the question of Zaire under the resolution 1503 procedure.